

### REMARKS

The Examiner objects to claim 29. The status of this claim has been changed as suggested by the Examiner.

The Examiner rejects claims 4, 6, 16, 21-23, 28, 42, and 49 are rejected under 35 U.S.C. §112, first paragraph.

Regarding claim 4, the use of discrete bidding and nonbidding modes is supported at least by page 3, lines 2-14; page 10, lines 3-9; and page 12, line 18 to page 13, line 4 of the Specification.

Regarding claim 6, the requirement that the predetermined workload level exists when there is a likelihood that a service goal for at least one work item will not be satisfied *in the absence of bidding* is satisfied at least by page 3, lines 2-5, page 10, line 3, to page 12, line 16; and Figure 6 of the Specification.

Regarding claims 16, 28, 42, and 49, the phrase “second” set of resources has been amended to reference “different” set of resources”. The quoted phrase “wherein the members of the set of resources are not employees of the contact center” is supported at page 5, line 18, to page 6, line 5, and page 7, lines 9-13, of the Specification; the phrase “wherein the members of the set of resources are not subscribers to an enterprise network defined by the contact center” is supported at page 5, line 18, to page 6, line 5, and at page 7, line 13, to page 8, line 7, of the Specification; and the requirement that steps (b)-(d) are performed when a different set of resources is unable to service the contact as required by contact center policies, objectives, and/or goals” is supported page 10, lines 3-16 of the Specification.

Claim 21 has been amended to overcome this rejection.

The Examiner next rejects claims 2, 4, 6, and 21-23 under 35 U.S.C. §112, second paragraph as being indefinite.

Regarding claim 2, the Examiner asserts that the phrase “wherein the at least one member of the set of resources is a plurality of members of the set of resources” is vague and indefinite. It is well known that “at least one” means “one or more”. The claim language simply states that the set of resources has more than one member.

Regarding claim 4, the Examiner asserts that the term “being temporally discrete” is a relative term which renders the claim indefinite. Applicant disagrees. This phrase simply means

that the bidding and nonbidding modes do not overlap in time. The Examiner himself has construed the phrase in this manner. (Office Action at page 4.)

Claim 6 has been amended to overcome the rejection.

Regarding claim 21, Applicant has amended this claim to change “maintaining” to “accessing”.

Regarding claim 23, the Examiner contends that the phrase “wherein the at least one of a resource value and work item value comprises both the resource value and the work item value” is vague and indefinite. The phrase “at least one of A and B” means A alone, B alone, and the combinations AB. The language of claim 23 refers to the combination of AB where A is the resource value and B is the work item value.

The Examiner next rejects claims 21-23 under 35 U.S.C. §101. Applicant has amended claim 21 to overcome this rejection.

The Examiner rejects claims 1-6, 8-14, 16-19, 24-32, 34-40, and 42-53 under 35 U.S.C. §103(a) as being unpatentable over Philonenko (US 2002/0131399) in view of Spratz *“Out with the new, in with the old: A look at scheduling alternatives”* further in view of EP 1 246 097 to British Telecommunications and claims 7, 15, 33, 41, and 54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Philonenko in view of Spratz as applied to claims 1-6, 8-14, 16-19, 24-32, 34-40, and 42-53 and further in view of EIX.

Applicant respectfully traverses the Examiner’s rejections. The above-identified references fail to teach or suggest at least the following italicized limitations in the pending independent claims:

1. A method for allocating work items in a contact center, comprising:
  - (a) providing a set of resources operable to service a work item, the set of resources comprising a plurality of members;
  - (b) requesting, by a processor, at least some of the resources in the set of resources to submit a bid *to service the work item*;
  - (c) receiving, from at least one member of the set of resources, at least one bid *to service the work item*; and
  - (d) *based, at least in part, on the at least one bid, selecting, by the processor, a resource from among the set of resources to service the work item.*

21. A method, comprising:
  - accessing, by a processor, a computer readable medium encoded with at least the following variables:
    - an identity of at least one work item;

*a plurality of bids received from a plurality of human agents to service the at least one work item; and  
for each received bid:  
an identity of a human agent placing the bid; and  
at least one of a value of the human agent and a value of the work item; and  
selecting, by the processor from among the plurality of bids, a bid to service the identified at least one work item.*

24. A contact center for servicing a plurality of contacts received from a plurality of customers, comprising:  
a plurality of workstations corresponding to a plurality of resources;  
a central server in communication with the plurality of workstations, comprising:  
at least one queue of contacts; and  
*a bid item selecting agent operable to (a) request at least some of the plurality of resources to submit a bid to service at least one contact; (b) receive at least one bid to service the at least one contact; and (c) select a resource from among the plurality of resources to service the at least one contact.*

Philonenko is directed to a routing system for routing communication events. At paragraphs [0149] to [0158], an embodiment using an auction-type environment for prioritized routing is described. Clients, or customers, can, through promise of contribution or through instant contribution, advance their position in queue in terms of both generic priority levels and specialized priority levels.

The remaining references discuss the use of schedule bidding in contact centers. In schedule bidding, employees select, or bid, on the working shifts they prefer from a master list of all possible schedules. A typical bid is based on seniority.

The above references fail to teach the claimed invention. Unlike the prior art, the claimed inventions accept bids from agents, or other contact center resources, for the opportunity to service a customer contact or other type of work item. The claimed invention is not directed to agents bidding for a work schedule, as in the Spratz and IEX references. Neither in the claimed invention do customers bid for priority levels or queue positions as in Philonenko.

Simply put, there is no incentive or motivation to combine, or predictability from combining, the above references. Analogizing a client to a customer, Philonenko teaches a customer bidding for a better queue position. As noted, the remaining references are directed to agents bidding for work schedules. This combination does not even come close to teaching

agents bidding for the opportunity to service work items. Nor do the references even teach or suggest that work surplus in a call center is an issue to be addressed, let alone how to address the problem. The Examiner's combination of references is based purely on hindsight obviousness and word spotting and not common sense.

Accordingly, the pending claims are allowable.

The dependent claims provide further allowable distinctions over the above-identified prior art.

By way of example, dependent claim 2 requires the set of resources to include a plurality of resources external to the contact center, wherein the at least one member of the set of resources is a plurality of members of the set of resources, wherein the work item is a contact from a customer, wherein the work item is in a queue of multiple work items, and wherein the selected resource is one of the plurality of members. *See* claims 25 and 46.

Dependent claim 3 requires:

identifying a subset of resources from among the set of resources qualified to service the work item; and wherein, in the requesting step, a bid request is provided to each of the resources in the subset of resources. *See* claims 29 and 50.

Dependent claim 4 requires the requesting, receiving and selecting steps to be performed only during a first operational mode in which bidding is performed and not in a second operational mode in which bidding is not performed, the first and second operational modes being temporally discrete from each other. *See* claims 30 and 51.

Dependent claim 5 requires:

monitoring at least one queue of work items, the at least one queue of work items corresponding to a first set of resources for servicing work items in the at least one queue; and

applying the following rules to the results of the monitoring step:

when a predetermined workload level exists in the at least one queue, performing steps (b) through (d); and

when a predetermined workload level does not exist in the at least one queue, not performing steps (b) through (d). *See* claims 31 and 52.

Dependent claim 6, which depends from claim 5, requires the predetermined workload level to exist when there is a likelihood that a service goal for at least one work item in the at least one queue will not be satisfied in the absence of bidding. *See* claims 32 and 53.

Dependent claim 7 requires the requesting step to include:  
determining a time interval for performance of steps (b) through (d). *See* claims 33 and

54.

Dependent claim 8 requires the monitoring step to include:  
determining, from the at least one queue, a representation of a required queue for at least one goal to be realized for each work item in the at least one queue. *See* claim 34.

Dependent claim 9, which depends from Claim 8, requires the predetermined workload level to exist when a queue position in the required queue is less than a number of work items ahead of the queue position in the required queue. *See* claim 35.

Dependent claim 10, which depends from Claim 5, requires:  
determining a time when the predetermined workload level will likely exist. *See* claim

36.

Dependent claim 11, which depends from Claim 5, requires:  
determining a number and identities of work items to be presented for bidding to the set of resources. *See* claim 37.

Dependent claim 12 requires the selecting step to include:  
comparing the received bids with a maximum acceptable bid. *See* claim 38.

Dependent claim 13 requires the selecting step to include:  
determining, for each bidding resource, a composite value reflecting a plurality of a work item value, a resource value and a bid; and  
comparing the determined composite values to select a resource to service the work item.  
*See* claims 22-23 and 39.

Dependent claim 14 requires, after the receiving step:  
determining whether or not a workload level for the contact center requires the work item that is the subject of the received bids to be serviced by a resource in the set of resources. *See* claim 40.

Dependent claim 15, further requires after the selecting step:  
displaying the selected bid and/or information associated with the selected bid to at least some resources in the set of resources; and  
receiving additional bids after the displaying step. *See* claim 41.

Dependent claim 16 requires at least some of the resources to be human agents, wherein the members of the set of resources are not employees of the contact center, wherein the members of the set of resources are not subscribers to an enterprise network defined by the contact center, and wherein steps (b)-(d) are performed when a different set of resources is unable to service the contact as required by contact center policies, objectives, and/or goals, the different set of resources being employees of the contact center and subscribers of the enterprise network. *See* claims 28 and 42.

Dependent claim 17 requires the bid to be at least one of a monetary service fee, a service time, an opportunity cost to the contact center for servicing the work item, and an overhead cost to the contact center for servicing the work item. *See* claim 43.

Dependent claim 18 requires a plurality of work items to be put out for bid and further comprising:

dynamically varying a bidding time for each of the plurality of work items. *See* claim 44.

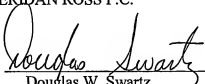
Dependent claim 27 requires the central server to include a workload monitoring agent operable to monitor the at least one queue of contacts and determine, for each contact, at least one of a bid start time, a bidding process duration, and a bid completion time.

Based on the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,  
SHERIDAN ROSS P.C.

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By:

  
Douglas W. Swartz  
Reg. No. 37,739  
1560 Broadway, Suite 1200  
Denver, Colorado 80202  
Telephone: 303-863-9700